

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL CHARLES MEISLER,

Plaintiff,

vs.

NADINE CHRZANOWSKI, et al.,

Defendants.

3:12-cv-00487-MMD-WGC

ORDER

re: Doc. ## 45, 64

Before the court is Plaintiff's Motion to Compel the Entry of Default Against Sprint-Nextel, Inc. (Doc # 64.¹) Plaintiff's motion represents he served Sprint-Nextel's resident agent, a company named CSC Services of Nevada, Inc. (*Id.*, at 2.) Plaintiff also filed an earlier motion seeking entry of default against Sprint-Nextel. (Doc. # 45.) Essentially the representations in this motion (Doc. # 45) are the same as in the later filed motion (Doc. # 64.) This order will pertain to both motions.

Plaintiff's complaint describes "Sprint-Nextel" as follows:

Sprint-Nextel, Inc., a defendant, is a Kansas corporation in the business of providing wireless communication services as a cellular telephone services provider on a global network and specifically conducts business in the stream of interstate commerce and in the State of Nevada as a foreign corporation possessing a license and with authority to do business in the State of Nevada under a certificate of authority issued by the Secretary of State of the State of Nevada all in accordance with and defined by with NRS §§ 704.028 and 707.656, hereinafter referred to as Sprint.

Doc. # 4 at 5, ¶ 13.

Plaintiff's original motion sought to effect a default against "Sprint-Nextel, Inc." (Doc. # 45.) When Plaintiff filed his motion for default on April 1, 2015, Plaintiff's amended complaint (Doc. # 20) was the operative pleading. (Order Adopting Report and Recommendation allowing First Amended Complaint to proceed in part, 7/28/14; Doc. # 22.) Plaintiff's amended complaint, however, changed the name from "Sprint-Nextel, Inc." as it appeared in his initial complaint (Doc. # 4 at 5 ¶ 13), to an

¹ Refers to court's docket number.

1 entity referred to as “Sprint-Nextel Communications, Inc., a Kansas Corporation, licensed to do business
2 in Nevada.” (Doc. # 20 at 4, ¶ 11.) The summons which Plaintiff served, which was after Plaintiff
3 amended his complaint, referred to process on Sprint-Nextel, Inc. (not Sprint-Nextel Communications),
4 being effected “by serving its resident agent, Prentice Hall Corp. Systems, Inc., 3760 Pecos McCloud
5 #3, Las Vegas, Nevada 89121.” (Doc. # 34.) However, the return of service on Plaintiff’s summons does
6 not reflect service on Prentice Hall Corp Systems, but rather upon “CSC Services of Nevada.” The
7 address for CSC Services is identified as 2215 B. Renaissance Drive, Las Vegas, Nevada 89119, which
8 is a different address than the one for Prentice Hall Corporation. Plaintiff submits no documentation that
9 “CSC Services of Nevada” is the resident agent for “Sprint-Nextel, Inc.”

10 According to the court’s research, the Nevada Secretary of State’s “Nevada Business Search”
11 states “No Results Found” for a business known as “Sprint-Nextel, Inc., in Nevada. (Exhibit 1.)

12 The court next visited the Kansas Secretary of State’s website and did a business entity search
13 for “Sprint-Nextel, Inc.” As reflected in Exhibit 2, Kansas Secretary of State also does not identify a
14 corporate entity in that state under that name. However, the website did cross reference to an entity
15 named “Sprint Communications, Inc.,” an active Kansas corporation in good standing. (*Id.*) According
16 to additional documentation on the Kansas Secretary of State website, Sprint Communications, Inc., was
17 formerly known as “Sprint Nextel Corporation.” (Exhibit 3.) However, there is no listing on the Kansas
18 Secretary of State website for the currently-named defendant, “Sprint-Nextel Communications.”

19 The court returned to another search of the Nevada Secretary of State’s website. No company
20 was listed as “Sprint Communications, Inc.” However, a company named “Sprint Communications
21 Company Limited Partnership” appeared on the Secretary of State’s website. (Exhibit 4.) The resident
22 agent for “Sprint Communications Company Limited Partnership” is reflected as being the Prentice-Hall
23 Corporation System, Nevada, Inc. (Exhibit 5.)

24 Both motions for default (Doc. ## 45, 64) sought a default against “Sprint-Nextel, Inc. However,
25 that is not the entity Plaintiff sued in his amended complaint, i.e., “Sprint-Nextel Communications, Inc.”

26 The court expresses no opinion as to whether Sprint Communications Company Limited
27 Partnership or Sprint-Nextel Communications, Inc., or either of them, are successors to Sprint-Nextel,
28 Inc., the company Plaintiff originally sued. Nevertheless, it reasonably appears Sprint-Nextel, Inc., is not

1 a viable entity in either Kansas or Nevada. Additionally, the service affidavit does not reflect service
2 upon the entity Plaintiff represented in the summons was the resident agent for whatever Sprint entity
3 against which Plaintiff may be proceeding (i.e., Prentice Hall Corp.; Doc. # 34 at 1), but as noted above,
4 service was instead made upon a company known as CSC Services of Nevada.

5 Plaintiff's motions are defective in that the entity against which he seeks a default (Sprint-Nextel,
6 Inc.) is not the entity Plaintiff has identified in his amended complaint, Sprint-Nextel Communications,
7 Inc. The motions are further defective by failing to reflect proper service upon the resident agent,
8 whatever the correct corporate entity may be.²

9 Plaintiff's motions (Doc. ## 45, 64) are **DENIED**.

10 **IT IS SO ORDERED.**

11 DATED: August 6, 2015.

12 
13 WILLIAM G. COBB
14 UNITED STATES MAGISTRATE JUDGE
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27 ² Exhibit 5, the business entity information from the Nevada Secretary of State website for the entity known as Sprint
28 Communications Company, identifies the company's resident agent as the Prentice Hall Corporation System, but again,
Prentice-Hall is not the entity Plaintiff served.

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EXHIBIT 1



Nevada Business Search

* Includes Trademarks, Trade Names, Service Marks, Reserved Names & Business Licenses

* Search by:

Entity Name

Sprint-Nextel, Inc

☐ Include Phonetic Matches:

Sort By:

Relevance

☒ Descending ☐ Ascending order

Search Tips

Search

No Results Found

Disclaimer ()

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EXHIBIT 2

[Kansas.gov](#) | [State Phone Directory](#) | [Online Services](#)

[Home](#) | [Contact](#) | [FAQs](#)



Thinking

Starting

Maintaining

Closing

Business Entity Search

Search Results

Searched: sprint-nextel, inc.

A maximum of 400 search results are displayed. Visit [Helpful Hints](#) if search assistance is needed.

Your search results are listed below. You may select a specific business to view more detailed information, as well as obtain a certificate or letter of good standing.

Results

	Name	ID Number	Status
View Record	SPRINT COMMUNICATIONS, INC.	0105585	ACTIVE AND IN GOOD STANDING

- © 2015 [Kansas.gov](#)
- [Portal Policies](#)
- [Help Center](#)
- [Contact Us](#)
- [About Us](#)
- [Site Map](#)

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EXHIBIT 3

[Kansas.gov](#) | [State Phone Directory](#) | [Online Services](#)[Home](#) | [Contact](#) | [FAQs](#)

Thinking

Starting

Maintaining

Closing

Business Entity Search

Date: 08/05/2015

Be advised the business information on this page is for summary informational purposes only. It is not an official filing with the Secretary of State's office and should not be relied on as such. Please view actual documents filed by customers with the secretary of State's office to ensure accurate information. When filing a Uniform Commercial Code statement on an entity, consult with your attorney to ensure the correct debtor name.

Business Summary

Current Entity Name

SPRINT COMMUNICATIONS, INC.

[File Name Change Online](#)**Business Entity ID Number**

0105585

[View History and Documents](#)**Previous Names:**

UNITED UTILITIES, INCORPORATED

Previous Names:

UNITED TELECOMMUNICATIONS, INC.

Previous Names:

SPRINT CORPORATION

Previous Names:

SPRINT NEXTEL CORPORATION

Current Mailing Address: T FREDERICK - 6500 SPRINT PKWY HL- 5A STX, OVERLAND PARK, KS 66251[Update](#)**Business Entity Type:** KANSAS FOR PROFIT CORPORATION**Date of Formation in Kansas:** 11/15/1938**State of Organization:** KS

Current Status: ACTIVE AND IN GOOD STANDING

[Certificate of Good Standing](#)

Resident Agent and Registered Office

Resident Agent: CORPORATION SERVICE COMPANY

Registered Office: 200 S.W. 30TH STREET, TOPEKA, KS 66611

[Update Resident Agent/Office](#)

Annual Reports

The following annual report information is valid for active and delinquent status entities only.

Tax Closing Month: 03

The Last Annual Report on File: 03/2015

Next Annual Report Due: 07/15/2016 [File Online](#)

Forfeiture Date: 10/15/2016

[Close Your Business](#)

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EXHIBIT 4



Nevada Business Search

* Includes Trademarks, Trade Names, Service Marks, Reserved Names & Business Licenses

* Search by:

Entity Name

sprint communications, inc.

☒ Include Phonetic Matches:

Sort By:

Relevance

☒ Descending ☐ Ascending order

Search Tips

Search

Search Results 1 - 1 of 1 search results

Click [Manage this Business](#) to file online via SilverFlume. Disclaimer

Entity Name	NV Business ID	Status	Type	Action
SPRINT COMMUNICATIONS COMPANY LIMITED PARTNERSHIP ()	NV19881004212 ()	Active ()	Foreign Limited Partnership ()	Manage this Business (/businessSearch/manageT7Business?businessEntityNumber=LP423-1988)

Disclaimer ()

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EXHIBIT 5

SPRINT COMMUNICATIONS COMPANY LIMITED PARTNERSHIP

Business Entity Information

Status:	Active	File Date:	11/23/1988
Type:	Foreign Limited Partnership	Entity Number:	LP423-1988
Qualifying State:	DE	List of Officers Due:	11/30/2015
Managed By:		Expiration Date:	11/23/2988
NV Business ID:	NV19881004212	Business License Exp:	11/30/2015

Additional Information

Central Index Key:	
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Registered Agent Information

Name:	THE PRENTICE-HALL CORPORATION SYSTEM, NEVADA, INC.	Address 1:	2215-B RENAISSANCE DR
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89119
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Commercial Registered Agent - Corporation		
Jurisdiction:	NEVADA	Status:	Active

Financial Information

No Par Share Count:	0	Capital Amount:	\$ 0
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No stock records found for this company

Officers

☐ Include Inactive Officers

General Partner--US TELECOM, INC.			
Address 1:	6200 SPRINT PARKWAY	Address 2:	
City:	OVERLAND PARK	State:	KS
Zip Code:	66251	Country:	USA
Status:	Active	Email:	

Actions/Amendments